



10/727,423

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CERTIFICATE OF MAILING  
37 C.F.R. §1.8

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Oct. 17, 2007  
Date

Claudia A. Standiford  
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**PATENT**  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: **U.S. Patent No. 7,268,274**

Issued: **September 11, 2007**

Attorney docket number **11899.0226.DVUS00**

Inventors: **Guilan Chen**  
**Catherine M. Hironaka**  
**Hua-ping Zhou**

For: **GLYPHOSATE TOLERANT WHEAT  
PLANT 33391 AND COMPOSITIONS AND  
METHODS FOR DETECTION THEREOF**

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 C.F.R. § 1.322

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**OCT 24 2007**  
**of Correction**

Sir:

Enclosed are two originals of Form PTO/SB/44 correcting errors of a minor nature. A Certificate of Correction is requested under 35 U.S.C. § 254.

Applicants hereby correct the following clerical errors identified in the referenced issued patent.

**In the Claims**

Column 21, claim 1, line 34 -- delete "chioroplast" and insert --**chloroplast**--

**OCT 24 2007**

U.S. Pat. 7,268,274  
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Request for Certificate of Correction

No fees are believed to be due because the errors are due to Patent Office oversight. However, the Commissioner is authorized to charge any fees that may be required from (or to credit any overpayment to) Howrey LLP Deposit Account 08-3038/11899.0226.DVUS00.

To facilitate the resolution of any issues or questions presented by this paper, the Examiner should, if needed, directly contact the undersigned by telephone.

Respectfully submitted,



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Date: 10/17, 2007

10/24/2007

U.S. Pat. 7,268,274  
Appl. 10/727,423  
Request for Certificate of Correction

-continued

<210> SEQ ID NO 11  
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22

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19

We claim:

1. A method of improving glyphosate tolerance in a wheat plant comprising:

- (1) constructing a DNA construct comprising a first and a second expression cassette, wherein said first expression cassette in operable linkage comprises (i) a rice actin 1 promoter; (ii) a rice actin 1 intron; (iii) a chloroplast transit peptide encoding DNA molecule; (iv) a glyphosate tolerant EPSPS encoding DNA molecule; and (v) a transcriptional terminator DNA molecule; and said second expression cassette comprising in operable linkage (a) a CaMV 35S promoter; (b) a Hsp70 intron; (c) a chloroplast transit peptide encoding DNA molecule; (d) a glyphosate tolerant EPSPS encoding DNA molecule; and (e) a transcriptional terminator DNA molecule; and
- (2) transforming a wheat cell with said DNA construct; and
- (3) regenerating said wheat cell into a wheat plant or wheat plants; and
- (4) treating said wheat plants with an effective dose of glyphosate; and

(5) selecting fertile wheat plants that are vegetative and reproductive tolerant to glyphosate.

2. A fertile glyphosate tolerant wheat plant produced by the method of claim 1.

3. A seed of the glyphosate tolerant wheat plant of claim 2, wherein said seed comprises the construct of claim 1.

4. A glyphosate tolerant wheat plant comprising a DNA construct comprising a first and a second expression cassette, wherein said first expression cassette in operable linkage comprises (i) a rice actin 1 promoter; (ii) a rice actin 1 intron; (iii) a chloroplast transit peptide encoding DNA molecule; (iv) a glyphosate tolerant EPSPS encoding DNA molecule; and (v) a transcriptional terminator DNA molecule; and said second expression cassette comprising in operable linkage (a) a CaMV 35S promoter; (b) a Hsp70 intron; (c) a chloroplast transit peptide encoding DNA molecule; (d) a glyphosate tolerant EPSPS encoding DNA molecule; and (e) a transcriptional terminator DNA molecule.

5. A seed of the glyphosate tolerant wheat plant of claim 4, wherein said seed comprises the DNA construct.

\* \* \* \* \*

chloroplast

JUL 24 2007

## UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

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PATENT NO. : 7,268,274

APPLICATION NO. : 10/727,423

ISSUE DATE : September 11, 2007

INVENTOR(S) : Guilan Chen; Catherine M. Hironaka; Hua-ping Zhou

It is certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

- Column 21, claim 1, line 34 — delete “chioroplast” and insert --chloroplast--.

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OCT 24 2007

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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